

**BEFORE THE  
MISSOURI BOARD OF PHARMACY  
STATE OF MISSOURI**

**IN RE:**

**Z & D MEDICAL SERVICES INC**  
595 Hwy 365 S  
Mayflower, AR 72106

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**ORDER OF THE MISSOURI BOARD OF PHARMACY  
ISSUING Z & D MEDICAL SERVICES INC  
A DRUG DISTRIBUTOR LICENSE  
SUBJECT TO PROBATION**

Comes now the Missouri Board of Pharmacy ("Board") and issues its ORDER granting a PROBATED drug distributor license, license number 2021031142, to Z & D MEDICAL SERVICES INC (Z & D Medical Services) pursuant to the provisions of Section 324.038, RSMo. As set forth in Section 324.038, RSMo, Z & D Medical Services may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Z & D Medical Services. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of issuance of this Order. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be waived.

The disciplinary period shall become effective immediately upon issuance of Z & D Medical Services drug distributor license. Should Z & D Medical Services file a written request for review of this Order, the terms and conditions of the Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an order contrary to this Order.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Board is an agency of the State of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing provisions of Chapter 338, RSMo.

2. Z & D Medical Services filed an application for licensure as a drug distributor on June 10, 2021. Z & D Medical Services was previously licensed by the Board, but allowed their license to expire on October 31, 2019. The license issued pursuant to this Order is in response to the June 10, 2021 application.

3. During the period November 1, 2019 through June 9, 2021, Z & D Medical Services distributed over 8,000 canisters of medical oxygen to 18 Missouri facilities without holding an active Missouri drug distributor license.

4. Section 338.333, RSMo prohibits acting as a drug distributor without first obtaining a license to do so from Missouri.

5. Z & D Medical Services' conduct as alleged above is cause for the Board to deny Z & D Medical Services licensure as a drug distributor pursuant to Section 338.055.1 and .2, RSMo, which states in pertinent parts:

1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed any act or practice in subsection 2 of this section.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

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(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

6. Section 324.038.1, RSMo, provides in pertinent part:

1. Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

#### **ORDER**

7. Based on the foregoing, it is the ORDER of the Missouri Board of Pharmacy that, in lieu of denying licensure as a drug distributor, the Board hereby issues Z & D Medical Services drug distributor license number 2021031142 subject to PROBATION for a period of TWO YEARS. This Order shall become effective on the date issued. The terms of probation shall be:

A. Z & D Medical Services shall pay all required fees for licensing to the Board and shall renew its drug distributor license prior to October 31 of each licensing year.

B. Z & D Medical Services shall comply with all provisions of Chapter 338, Chapter 195, and all applicable federal and state drug laws, rules and regulations and with all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.

C. If, after disciplinary sanctions have been imposed, Z & D Medical Services fails to keep its drug distributor license current, the period of unlicensed status shall not be deemed or taken as any part of

the time of discipline so imposed.

D. Z & D Medical Services shall report to the Board, on a preprinted form supplied by the Board office, once every six (6) months (due by each January 1 and July 1), beginning with whichever date occurs first after this Agreement becomes effective, stating truthfully whether or not it has complied with all terms and conditions of its disciplinary order.

E. Z & D Medical Services shall make a representative available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings will be at the Board's discretion and may occur periodically during the disciplinary period. Z & D Medical Services will be notified and given sufficient time to arrange these meetings.

F. Z & D Medical Services' failure to comply with any condition of discipline set forth herein constitutes a violation of this Order.

8. Upon the expiration of said probation, Z & D Medical Services' license as a drug distributor in Missouri shall be fully restored if all other requirements of law have been satisfied provided, however, that in the event the Board determines that Z & D Medical Services has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Z & D Medical Services

9. No order shall be entered by the Board pursuant to the preceding paragraph of this Settlement Agreement without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

10. If the Board determines that Z & D Medical Services has violated a term or condition of this Order, which violation would also be actionable in a proceeding

before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation. If any alleged violation of this Order occurred during the disciplinary period, the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held to determine whether a violation occurred and, if so, it may impose further discipline. The Board retains jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

11. The Board of Pharmacy will maintain this Agreement as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

SO ORDERED this 3<sup>rd</sup> day of September, 2021.

BOARD SEAL

A handwritten signature in black ink, appearing to read 'Kimberly A. Grinston', written over a horizontal line.

KIMBERLY A. GRINSTON  
EXECUTIVE DIRECTOR  
MISSOURI BOARD OF PHARMACY